Written Submission from Archaeology Scotland

Archaeology Scotland welcomes this proposed bill and the commitment to reform implicit in this draft legislation. Much of this is beyond the competency of this charity that is primarily interested in promoting Scotland’s heritage as a valued asset to both local people and visitors alike.

- We support the issuing of Scottish Government objectives for land reform and land management on a regular cycle of review
- We support the principle of the ‘right of access to information on the owners of land’.

This pertinent for communities and individuals caring for their local heritage and making sure inappropriate development is constrained and timeous repairs are carried for heritage assets in need of repair.

We have concerns over the definition of ‘sustainable development’ as set out in the Bill on p32 and do not believe that care for Scotland’s Historic Environment, as set out by Scottish Ministers in the Scottish Historic Environment Policy and the Historic Environment Strategy for Scotland, is adequately covered by Section 47 (10). ‘In determining what constitutes significant benefit or significant harm to the community for the purposes of subsection (2)(c) or (d), the Scottish Ministers must consider the likely effect of granting (or not granting) consent to the transfer of land or tenant’s interest on the lives of the persons comprising that community with reference to the following considerations— (a) economic development, (b) regeneration, (c) public health, (d) social wellbeing, and (e) environmental wellbeing.’

The Policy Memorandum, produced in support of the Bill is ambiguous on the distinction between sustainability and sustainable development and the reference to Sewel below only refers to the natural environment. A more holistic definition is needed that is more inclusive of historic environment considerations.

Sustainable development of communities

Sustainable development is defined as development that is planned with appropriate regard for its longer term consequences, and is geared towards assisting social and economic advancement that can lead to further opportunities and a higher quality of life for people whilst protecting the environment. Sustainable development requires an integrated approach to social, economic and environmental outcomes.

Sustainable communities are more self-reliant, with increasing economic independence and a better quality of life, while conserving or enhancing their environment. Contrasted with unsustainable communities, where populations are declining, local economic and social activity is inhibited and the natural heritage is damaged.

Derived from work of the Land Reform Policy Group, Sewel et al, 1998

We hope therefore that a more robust definition of ’sustainable development’ will be defined.
Archaeology Scotland would be interested in this new legislation enabling and encouraging communities to acquire heritage assets. These could be developed as community assets but the incentive for taking them into community ownership might be less for economic development rather than in protecting them from current inappropriate management and thus better preserving them for the community in the longer term. Heritage assets can contribute significantly to place-making and a community sense of well-being.